

PD-0556-20

IN THE COURT OF CRIMINAL APPEALS OF TEXAS

FILED
COURT OF CRIMINAL APPEALS
11/6/2020
DEANA WILLIAMSON, CLERK

PHI VAN DO
Respondent

v.

THE STATE OF TEXAS
Petitioner

No. 14-18-00600-CR
In the Court of Appeals
Fourteenth District of Texas

No. 2130699
County Criminal Court at Law No. 10
Harris County, Texas

RESPONDENT'S MOTION FOR EXTENSION OF TIME TO FILE BRIEF

TO THE HONORABLE COURT OF CRIMINAL APPEALS OF TEXAS:

Respondent, Phi Van Do, advances this motion for an extension of time to file his brief. Mr. Do is represented on appeal by assistant public defender Ted Wood. In support of this motion, and consistent with Tex. R. App. P. 10.5(b)(1), Mr. Do presents the following statements:

- (1) This Court granted the State's petition for discretionary review on September 30, 2020.
- (2) The State filed its brief on October 8, 2020.
- (3) Accordingly, the due date for Mr. Do to file his brief is November 7, 2020. *See* Tex. R. App. P. 70.2 (respondent must file brief within 30 days after petitioner's brief is filed).
- (4) Appellant requests an extension of 30 days from the current due-date of November 7, 2020. This would make the new due date December 7, 2020.
- (5) Appellant's counsel has been busy handling other matters. During the last month, Respondent's counsel has filed eleven separate motions for en banc reconsideration: (a) *Roberto Pacas v. State*, No. 01-18-01016-CR (10-22-20); (b) *Israel Lemus v. State*, Nos. 14-18-00905-CR, 14-18-00906-CR, 14-18-00907-CR, 14-18-00908-CR, 14-18-00909-CR, 14-18-00910-CR, 14-18-00911-CR (10-26-20); (3) *Marshall Washington v. State*, No. 14-20-00076-CR (10-29-20); (4) *State v. Jeremy Rutherford*, No. 01-20-00342-CR; (5) *State v. Darnell Knighten*, No. 01-20-00340-CR; (6) *State v. Trint Smith*, No. 01-20-00343-CR; (7) *State v. Jared Follmer*, No. 01-20-00341-CR; (8) *State v. Ruben Santillana*, No. 01-20-00276-CR; (9) *State v. Ruben Santillana*, No. 01-20-00277; (10) *State v. Armeese Blount*, No. 01-20-00338-CR; and (11) *State v. Armeese Blount*, No. 01-20-00339-CR. Additionally, Respondent's counsel filed an initial brief in the case of *Nathaniel Wiggins*, No. 14-20-00076-CR

(10-28-20). These other matters have prevented Respondent's counsel from working on the brief in this appeal.

(6) This request for an extension is not made to delay the proceedings, but rather is made to ensure that Mr. Do receives quality appellate representation.

Accordingly, Mr. Do prays that this Court permit an extension of time to file his brief until December 7, 2020.

Respectfully submitted,

ALEXANDER BUNIN
Chief Public Defender
Harris County, Texas

/s/ Ted Wood

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CERTIFICATE OF SERVICE

Pursuant to Tex. R. App. P. 9.5, undersigned counsel certifies that on November 5, 2020, a copy of this motion was provided to the Harris County District Attorney via the EFILETEXAS.gov e-filing system. The motion has been directed to Mr. Clint Morgan, Assistant Harris County District Attorney.

/s/ Ted Wood

Ted Wood

Assistant Public Defender

Attorney for Appellant

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Associated Case Party: State of Texas

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Associated Case Party: Phi Do

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Ted Wood		ted.wood@pdo.hctx.net	11/5/2020 4:11:12 PM	SENT

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